

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 820

Introduced by Senator Hertzberg

January 5, 2016

An act to ~~repeal Article 8 (commencing with Section 25395.109) of Chapter 6.82 of, and to repeal Article 1 (commencing with Section 25395.110) of Chapter 6.83 of, Division 20, amend Sections 25395.109 and 25395.110 of the Health and Safety Code, relating to hazardous materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 820, as amended, Hertzberg. Hazardous materials: California Land Reuse and Revitalization Act of 2004.

The California Land Reuse and Revitalization Act of 2004 provides, among other things, that an innocent landowner, bona fide purchaser, or contiguous property owner, as defined, qualifies for immunity from liability from certain state statutory and common laws for pollution conditions caused by a release or threatened release of a hazardous material if specified conditions are met, including entering into an agreement for a specified site assessment and response plan. The act prohibits the Department of Toxic Substances Control, the State Water Resources Control Board, or a California regional water quality control board from requiring one of those persons to take a response action under certain state laws, except as specified. Existing law repeals the act on January 1, 2017. *Existing law provides that a person who qualifies for immunity under the act before January 1, 2017, shall continue to have that immunity on and after January 1, 2017, if the person continues to be in compliance with the requirements of the former act.*

This bill would extend the ~~operation of the act indefinitely, repeal date of the act to January 1, 2027, and would make a conforming change.~~ *provide that a person who qualifies for immunity under the act before January 1, 2027, shall continue to have that immunity on and after January 1, 2027, if the person continues to be in compliance with the requirements of the former act.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 25395.109 of the Health and Safety Code*
2 *is amended to read:*

3 25395.109. This chapter shall remain in effect only until
4 January 1, ~~2017~~, 2027, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1, ~~2017~~, 2027,
6 deletes or extends that date.

7 *SEC. 2. Section 25395.110 of the Health and Safety Code is*
8 *amended to read:*

9 25395.110. (a) A person who, before January 1, ~~2017~~, 2027,
10 qualifies for immunity pursuant to Chapter 6.82 (commencing
11 with Section 25395.60), as that chapter read on December 31,
12 ~~2016~~, 2026, shall continue to have that immunity on and after
13 January 1, ~~2017~~, 2027, if the person continues to be in compliance
14 with the requirements of former Chapter 6.82 (commencing with
15 Section 25395.60), including, but not limited to, compliance with
16 all response plans approved pursuant to Article 6 (commencing
17 with Section 25395.90) of former Chapter 6.82, and compliance
18 with all other applicable laws.

19 (b) This article shall become operative January 1, ~~2017~~. 2027.

20 ~~SECTION 1. Article 8 (commencing with Section 25395.109)~~
21 ~~of Chapter 6.82 of Division 20 of the Health and Safety Code is~~
22 ~~repealed.~~

23 ~~SEC. 2. Article 1 (commencing with Section 25395.110) of~~
24 ~~Chapter 6.83 of Division 20 of the Health and Safety Code is~~
25 ~~repealed.~~